

1 Michael S. Kun (State Bar No. 208684)  
2 Betsy Johnson (State Bar No. 119847)  
3 Aaron F. Olsen (State Bar No. 224947)  
4 EPSTEIN BECKER & GREEN, P.C.  
5 1925 Century Park East, Suite 500  
6 Los Angeles, California 90067-2506  
7 Telephone: (310) 556-8861  
8 Facsimile: (310) 553-2165  
9 mkun@ebglaw.com  
10 bjohnson@ebglaw.com  
11 aolsen@ebglaw.com

12 Attorneys for Defendants  
13 AMERICAN MEDICAL RESPONSE, INC.;  
14 AMERICAN MEDICAL RESPONSE OF  
15 SOUTHERN CALIFORNIA; AMERICAN  
16 MEDICAL RESPONSE OF INLAND  
17 EMPIRE; and AMERICAN MEDICAL  
18 RESPONSE AMBULANCE SERVICE, INC.

11 UNITED STATES DISTRICT COURT  
12 CENTRAL DISTRICT OF CALIFORNIA  
13

14 LAURA KARAPETIAN, on behalf of  
15 herself and all similarly situated  
16 Southern California dispatcher  
17 of the named defendants

18  
19  
20 Plaintiff,

21 vs.

22 AMERICAN MEDICAL RESPONSE,  
23 INC.; *Emergency medical*  
24 *services corporation and*  
25 *DES 1 through 100, inclusive*  
26  
27  
28 Defendants.

CASE NO.  
**CV11-02129** MRP(JLx)  
NOTICE OF REMOVAL

Under 28 U.S.C. §§ 1332(d) [Class  
Action Fairness Act Of 2005]

Trial Date: None Set  
Complaint Filed: January 8, 2009

Formerly Los Angeles County Superior  
Court Case No. BC 405195 and JCCP  
No. 4604  
Judge Robert B. Freedman, Dept. 20

1           **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2           PLEASE TAKE NOTICE that Defendants AMERICAN MEDICAL  
3 RESPONSE, INC., AMERICAN MEDICAL RESPONSE OF SOUTHERN  
4 CALIFORNIA, AMERICAN MEDICAL RESPONSE OF INLAND EMPIRE,  
5 and AMERICAN MEDICAL RESPONSE AMBULANCE SERVICE, INC.  
6 (“Defendants”) hereby remove to this Court the state court action filed by Plaintiff  
7 LAURA KARAPETIAN (“Plaintiff”) on behalf of herself and all similarly situated  
8 employees.

9           Jurisdiction is invoked pursuant to the Class Action Fairness Act of 2005  
10 (“CAFA”), 28 U.S.C. §§ 1453 and 1332(d), in that the number of members of the  
11 proposed plaintiff class in the aggregate is more than 100, Plaintiff is a citizen of a  
12 state different than two (2) of the Defendants, and the amount in controversy  
13 exceeds \$5,000,000, exclusive of costs and interest.

14                   **I. PLEADINGS, PROCESS, AND ORDERS**

15           1. On or about January 8, 2009, Plaintiff commenced an action against  
16 American Medical Response, Inc. and Emergency Medical Services Corporation in  
17 the Superior Court of the State of California for the County of Los Angeles by  
18 filing a complaint therein entitled Laura Karapetian v. American Medical  
19 Response, Inc., Emergency Medical Services Corporation and Does 1-100, Case  
20 No. BC 405195.

21           2. Plaintiff’s original Complaint purported to state causes of action for:  
22 1) failure to provide meal periods; 2) failure to provide rest breaks; 3) Labor Code  
23 violations for wages unpaid when employment ends; 4) violation of Labor Code  
24 Section 226; 5) violation of Labor Code Section 558; and 6) violation of California  
25 Business and Professions Code Section 17200. Declaration of Michael S. Kun  
26 (“Kun Dec.”), ¶ 3, Exhibit A.

27           3. Because Plaintiff’s original Complaint did not on its face set forth  
28 grounds for removal, Defendants could not and did not remove the action. As

1 explained more fully below, the action only became removable when Plaintiff  
2 submitted responses to Defendants' Special Interrogatories that allowed  
3 Defendants to determine for the first time that the amount in controversy in this  
4 action exceeded \$5,000,000. (Kun Dec., ¶ 4.)

5 4. On January 22, 2009, the action was designated as non-complex by a  
6 Minute Order issued by the Superior Court. (Kun Dec., ¶ 5, Ex. B.)

7 5. Defendants filed a Notice of Related Case on February 9, 2009. The  
8 Notice of Related Case explained that this action was related to Vaughn Banta v.  
9 American Medical Response, Inc., et al., Los Angeles Superior Court, Case No.  
10 BC 393113 ("Banta"), which was filed on June 23, 2008. The Banta action has the  
11 earliest filing date. (Kun Dec., ¶ 6, Ex. C.)

12 6. Defendants filed a Demurrer to the Complaint on or about February 9,  
13 2009. (Kun Dec., ¶ 7, Exs. D, E, F.)

14 7. Thereafter, Defendants' filed an Objection to the Non-Complex  
15 Designation. (Kun Dec., ¶ 8, Exs. G, H.)

16 8. On August 7, 2009, Defendants filed a Notice of Petition for  
17 Coordination of Actions. The Court issued an Order staying the action pending a  
18 determination on Defendants' Petition. (Kun Dec., ¶ 9, Exs. I, J.)

19 9. The Court subsequently ordered that this action should be coordinated  
20 with Banta and with Laura Bartoni, et al. v. American Medical Response West, et  
21 al., Alameda County Superior Court Case No. RG08382130. Subsequently, these  
22 cases were all coordinated with a fourth action entitled Melanie Aguilar v.  
23 American Medical Response of Southern California, Los Angeles County Superior  
24 Court Case No. BC 433224 (Kun Dec., ¶ 10, Ex. K.)

25 10. On January 12, 2010, Plaintiff amended her Complaint to substitute  
26 Defendant American Medical Response of Southern California for Doe Defendant  
27 1. (Kun Dec., ¶ 11, Ex. L.)

28 ///

1           11. On March 25, 2010, Plaintiff served the First Amended Complaint  
2 ("FAC"). In the FAC, Plaintiff substituted Defendant American Medical Response  
3 of Inland Empire for Doe Defendant 2 and Defendant American Medical Response  
4 Ambulance Service, Inc. for Doe Defendant 3. (Kun Dec., ¶ 12, Ex. M.)

5           12. The FAC purports to state causes of action against all Defendants for:  
6 1) failure to provide meal periods; 2) failure to provide rest breaks; 3) Labor Code  
7 violations for wages unpaid when employment ends; 4) violation of Labor Code  
8 Section 226; 5) violation of Labor Code Section 558; and 6) violation of California  
9 Business and Professions Code Section 17200. (Kun Dec., ¶ 12, Ex. M.)

10           13. Because the FAC did not on its face set forth grounds for removal,  
11 Defendants could not and did not remove the action. (Kun Dec., ¶ 13.)

12           14. Defendants filed a Demurrer to the FAC on April 30, 2010. In  
13 addition, Defendants filed a Motion to Strike portions of Plaintiff's FAC on April  
14 30, 2010. (Kun Dec., ¶ 14, Exs. N, O.)

15           15. On June 6, 2010, Plaintiff filed her Oppositions to the Demurrer and  
16 Motion to Strike. (Kun Dec., ¶ 15, Exs. P, Q.)

17           16. Defendants filed the replies to Plaintiff's Oppositions to the Demurrer  
18 and the Motion to Strike on June 18, 2010. (Kun Dec., ¶ 16, Exs. R, S.)

19           17. On June 28, 2010, the Court overruled Defendants' Demurrer but  
20 granted Defendants' Motion to Strike, in part. The Court struck Plaintiff's Fifth  
21 Cause of Action for violation of Labor Code § 558. (Kun Dec., ¶ 17, Ex. T.)

22           18. Defendants served and filed an Answer to the FAC on July 12, 2010.  
23 (Kun Dec., ¶ 18, Ex. U.)

24           19. Exhibits A-U represent all of the processes, pleadings and orders  
25 served and filed on and by Defendants relating to the original Complaint and the  
26 FAC in the Superior Court. (Kun Dec., ¶ 19.)

27           20. On or about December 29, 2010, each Defendant served separate  
28 Special Interrogatories on Plaintiff. (Kun Dec., ¶¶ 20-24, Exs. V-Y.)



1           27. In her FAC, Plaintiff seeks to represent all of Defendants' current or  
2 former "dispatchers employed by Defendants in the following California counties  
3 during the 4 years immediately preceding the filing of this lawsuit to the present:  
4 Los Angeles, San Diego, Orange, Ventura, Santa Barbara, Imperial, Riverside, and  
5 San Bernardino." (Kun Dec., ¶ 30, Exhibit M, FAC ¶ 10.)

6           28. As of February 10, 2011, Defendants' records indicate that there are  
7 316 persons in the putative class. Declaration of Julie A. Mederos ("Mederos  
8 Dec."), ¶ 3-7. Of the 316 putative class members, 195 of them are former  
9 employees. (Kun Dec., ¶ 41.)

10                   **Citizenship**

11           29. CAFA's requirement that any one member of the proposed class be a  
12 citizen of a state different from any Defendants (28 U.S.C. § 1332(d)(2)(A)) is also  
13 satisfied here.

14           30. Defendants are informed and believe that Plaintiff was, at the time of  
15 filing of this action, and still is, a citizen of the State of California. (FAC ¶ 1.)

16           31. Defendant American Medical Response, Inc. was at the time of the  
17 filing of this action, and still is, a corporation formed under the laws of the State of  
18 Delaware, and has its principal place of business in Greenwood Village, Colorado.  
19 It has no employees in California. Defendant American Medical Response, Inc. is,  
20 therefore, a citizen of Delaware and Colorado. (Mederos Dec., ¶ 8.)

21           32. Defendant American Medical Response Ambulance Service, Inc. was  
22 at the time of the filing of this action, and still is, a corporation formed under the  
23 laws of the State of Delaware, and has its principal place of business in Greenwood  
24 Village, Colorado. It has no employees in California. Defendant American  
25 Medical Response Ambulance Service, Inc. is, therefore, a citizen of Delaware and  
26 Colorado. (Mederos Dec., ¶ 9).

27           33. The requirements for diversity jurisdiction under 28 U.S.C. § 1332  
28 and 1441(a) and (b) are met because Plaintiff and Defendants American Medical



1 Response, Inc. and American Medical Response Ambulance Service, Inc. are  
2 citizens of different states.

### 3 Amount In Controversy

4 34. CAFA's requirement that the aggregate amount in controversy exceeds  
5 \$5,000,000, exclusive of interest and costs (28 U.S.C. § 1332(d)(2)), is satisfied  
6 here as well. Although Defendants dispute liability and damages, Plaintiff's  
7 responses to Defendants' Special Interrogatories establish that there is more than  
8 \$5,000,000 in controversy in this action.

9 35. Both the Complaint and FAC are silent as to the amount of damages  
10 claimed. The failure of a complaint to specify the amount of damages sought by  
11 plaintiff does not deprive this Court of jurisdiction. See, White v. J.C. Penny Life  
12 Ins. Co., 861 F. Supp. 25, 26 (S.D. W.Va. 1994) (Defendants may remove suit to  
13 federal court notwithstanding the failure of plaintiff to plead a specific dollar  
14 amount in controversy; if the rules were otherwise, "any Plaintiff could avoid  
15 removal simply by declining . . . to place a specific dollar claim upon its claim.")  
16 Because the Complaint and FAC are silent as to the amount in controversy,  
17 Defendants need only establish by a preponderance of evidence that Plaintiff's  
18 claim exceeds the jurisdictional minimum. Sanchez v. Monumental Life Ins. Co.,  
19 102 F.3d 398, 404 (9<sup>th</sup> Cir. 1996); Singer v. State Farm Mutual Auto. Ins. Co., 116  
20 F.3d 373, 376 (9<sup>th</sup> Cir. 1997).

21 36. The First Cause of Action of the FAC alleges a cause of action against  
22 all Defendants for failure to provide meal periods in violation of Labor Code  
23 §§ 226.7 and 512. (Kun Dec. ¶ 31, Exhibit M, FAC ¶¶ 16-18.) Plaintiff seeks  
24 recovery for alleged lost wages, penalties, interest, attorneys' fees and costs. (Kun  
25 Dec. ¶ 31, Ex. M; FAC ¶¶ 19-20.)

26 37. The Second Cause of Action of the FAC alleges a cause of action  
27 against all Defendants for failure to provide rest periods in violation of Labor Code  
28 § 226.7. (Kun Dec. ¶ 32, Ex. M; FAC ¶¶ 22-23.) Plaintiff seeks recovery of

1 alleged lost wages, penalties, interest, attorneys' fees and costs. (Kun Dec. ¶ 32,  
2 Ex. M; FAC ¶¶ 24-27.)

3 38. The Third Cause of Action of the FAC alleges a cause of action  
4 against all Defendants for violation of California Labor Code §§ 201-203 for  
5 allegedly failing to pay wages at the termination of employment. (Kun Dec. ¶ 33,  
6 Ex. M; FAC ¶¶ 28-30.) Plaintiff seeks recovery of alleged lost wages, interest,  
7 penalties, attorneys' fees and costs. (Kun Dec. ¶ 33, Ex. M; FAC ¶¶ 30-32.)

8 39. The Fourth Cause of Action of the FAC alleges a cause of action  
9 against all Defendants for violation of California Labor Code § 226 for failure to  
10 provide accurate wage statements. (Kun Dec. ¶34, Ex. M; FAC ¶¶ 33-4.) Plaintiff  
11 seeks recovery of all penalties under Labor Code § 226 (e). (Kun Dec. ¶34, Ex. M;  
12 FAC ¶¶ 35-36.)

13 40. As discussed above, the Fifth Causes of Action of the FAC was  
14 stricken by the Court because Plaintiff failed to state a claim for penalties under  
15 Labor Code § 558. (Kun Dec. ¶ 35, Ex. T.)

16 41. The Sixth Cause of Action of the FAC alleges a cause of action  
17 against all Defendants for unfair business practices in violation of California  
18 Business & Professions Code § 17200, et seq. (Kun Dec. ¶ 36, Ex. M; FAC ¶30.)  
19 Plaintiff seeks restitution, attorneys' fees and costs for the class. (Kun Dec. ¶ 36,  
20 Ex. M; FAC ¶¶ 31-33.)

21 42. Defendants served discovery upon Plaintiff in an attempt to obtain  
22 information about her claims, including the amount in controversy. (Kun Dec.,  
23 ¶ 20.)

24 43. On February 11, 2011, Defendants received Plaintiff's responses,  
25 which provided information demonstrating for the first time that the amount in  
26 controversy in this case exceeds \$5,000,000. (Kun Dec., ¶ 25.)

27 44. In Plaintiff's responses to each of the Defendants' Special  
28 Interrogatories, Plaintiff contends for the first time that she missed four (4) meal



1 and/or rest periods each week. (Kun Dec. ¶ 37, Ex. Z at 8:20-28-10:2; Ex. AA at  
2 8:14-28-9:21; Ex. BB at 8:20-28-10:2; and Ex. CC at 8:20-28-10:2.)

3 45. During the class period, Plaintiff's hourly rate of pay ranged from  
4 \$17.75 to \$28.72. (Kun Dec. ¶ 38, Ex. Z at 8:20-28-10:2; Ex. AA at 8:14-28-9:21;  
5 Ex. BB at 8:20-28-10:2; and Ex. CC at 8:20-28-10:2.)

6 46. Defendants have calculated that the amount in controversy for the  
7 First and Second Causes of Action is \$2,451,196.28, exclusive of interest. This  
8 was calculated by using the actual workweeks worked by each of the 316 putative  
9 class members, along with each individual's average hourly rate, and assuming that  
10 each was entitled to four (4) hours of additional pay for each week for the four (4)  
11 missed meal or rest periods. (Kun Dec., ¶ 39, 40.)

12 47. Defendants have calculated that the amount in controversy for the  
13 Third Cause of Action for "waiting time" penalties under Labor Code § 203 is  
14 \$904,365.16. This was calculated by using each of the 195 former employee's  
15 final hourly rate for the 12-hour shifts typically worked by the dispatchers. Each  
16 individual's daily rate was determined by multiplying each individual's final  
17 straight time hourly rate by 12 hours. This amount was then multiplied by 30 days,  
18 the maximum penalty provided by Labor Code § 203. Of course, the total amount  
19 of Labor Code § 203 penalties in controversy would be greater if each individual's  
20 mandatory overtime rates were included in the calculation. (Kun Dec., ¶ 41.)

21 48. Defendants have calculated that the amount in controversy for the  
22 Fourth Cause of Action for wage statement penalties under Labor Code § 226 is  
23 \$776,000.00. This was calculated by multiplying \$50 (the penalty for an initial  
24 violation of by Labor Code § 226) by 316 (the number of putative class members),  
25 and by multiplying \$100 (the penalty for subsequent violations of by Labor Code §  
26 226) by the number of pay periods each individual worked during the period 2005  
27 to March 1, 2011). Of the 316 putative class members, 194 of them worked over

28 ///

1 41 pay periods and may seek the maximum recovery of \$4,000 provided for by  
2 Labor Code § 226. (Kun Dec., ¶ 42.)

3 49. Defendants have calculated that the amount in controversy on the  
4 Plaintiff's prayer for relief for penalties under Wage Order No. 4 (20) is  
5 \$879,450.00. This was calculated by multiplying \$50 (the penalty for an initial  
6 violation of Wage Order No. 4 (20)) by 316 (the number of putative class  
7 members) and by multiplying \$100 (the penalty for subsequent violations of Wage  
8 Order No. 4 (20)) by the number of pay periods each individual worked during the  
9 statutory period. (Kun Dec., ¶ 43.)

10 50. Based on the foregoing, the amount in controversy on Plaintiff's  
11 claims for penalties for missed meal and/or rest periods, violation of Labor Code §  
12 226 and Wage Order No. 4(20) alone total \$5,011,011.30, exclusive of interest.

13 51. In addition to this amount, Plaintiff is seeking restitution and  
14 attorneys' fees under California Business & Professional Code § 17200, et seq. and  
15 attorneys' fees and costs under Labor Code § 218.5. (Kun Dec., ¶ 44, Ex. M; FAC  
16 ¶ 30.) "Attorneys' fees may be included in the amount in controversy if  
17 recoverable by statute or contract." Simmons v. PCR Tech., 209 F.Supp.2d 1029,  
18 1034 (N.D. Cal. 2002). If Plaintiff prevails in this action, she can be awarded  
19 attorneys' fees in prosecuting her claims for unpaid wages, inaccurate wage  
20 statements, and violation of Business and Professions Code § 17200, or all of  
21 them. Cal. Code Civ. Proc. § 1021.5; Graham v. DaimlerChrysler Corp., 34 Cal.4<sup>th</sup>  
22 553, 578 (2004). Those fees, whether discretionary or mandatory, must be  
23 included in calculating the amount in controversy. Simmons, 209 F.Supp.2d at  
24 1155-56.

25 52. The attorneys' fees to be considered are not just those incurred as of  
26 the removal date. Rather "[s]uch fees necessarily accrue until the action is  
27 resolved." Simmons, 209 F.Supp.2d at 1034; Brady v. Mercedes-Benz USA, Inc.,  
28 243 F.Supp.2d 1004, 1010-11 (N.D. Cal. 2002) (amount in controversy includes "a

1 reasonable estimate of [attorneys'] fees likely to be incurred" through the lawsuit's  
 2 conclusion.) "[A] reasonable, informed estimation of fees, based on the various  
 3 tasks to be accomplished by both sides, and the hourly rates of the attorneys who  
 4 will conduct those tasks (including future attorneys' fees) properly comprise the  
 5 evidence that can and should be considered in evaluation the amount in  
 6 controversy for jurisdictional purposes." Roe v. Teletech Customer Care Mgmt.  
 7 (Colorado), LLC, 2007 U.S. Dist. LEXIS 41112 (W.D. Wash. 2007).

8 53. In California, "Courts recognize two methods for calculating attorney  
 9 fees in civil class actions: the lodestar/multiplier method and the percentage of  
 10 recovery method." Wershba v. Apple Computer, Inc., 91 Cal.App.4<sup>th</sup> 224, 254  
 11 (2001). Under the former, "the lodestar is calculated by multiplying the reasonable  
 12 hours expended by a reasonable hourly rate. The court may then enhance the  
 13 lodestar with a multiplier, if applicable." Id. Alternatively, in a common fund  
 14 case, which this case is likely to be, the district court can determine the amount of  
 15 attorneys' fees to be drawn from the fund by employing a "percentage" method.  
 16 Staton v. Boeing Co., 327 F.3d 938, 968 (9<sup>th</sup> Cir. 2003). As its name suggests,  
 17 under the percentage method, "the court simply awards the attorneys a percentage  
 18 of the fund. . . ." Id. The Ninth Circuit has established 25% of the common fund  
 19 as a benchmark award for attorney fees. Hanlon v. Chrysler Corp., 150 F.3d 1011,  
 20 1029 (9<sup>th</sup> Cir. 1998); Six (6) Mexican Workers v. Arizona Citrus Growers, 904  
 21 F.2d 1301, 1311 (9<sup>th</sup> Cir. 1990).

22 54. As applied here, the reasonable estimate of attorneys' fees awardable  
 23 to Plaintiff, and therefore "in controversy," would be at least 25% of the damages  
 24 and penalties that are in controversy. See, e.g., Abasi v. HCA, the Healthcare Co.  
 25 Inc., C.D. Cal. No. CV 03-7606 (May 9, 2005) (approving \$4.75 million settlement  
 26 for claims of unpaid overtime, meal and rest break periods, with attorneys' fee  
 27 award totaling over \$1.2 million).

28 ///

1           55. The amount of damages and penalties in controversy in this case, as  
2 calculated above, are at least \$5,011,011.30. Assuming Plaintiff's counsel would  
3 seek only 25%, the attorneys' fees at issue in this case would be \$1,252,752.

4           56. Including those attorneys' fees, the total amount in controversy is  
5 calculated to be \$6,263,763.30.

6           57. For these reasons, the amount in controversy requirement of 28 U.S.C.  
7 §§ 1332(d) and 1453 has been met.

### 8                                   **III. VENUE**

9           58. This is the District Court of the United States for the district  
10 embracing the place where the state court action was filed, and is, therefore, the  
11 appropriate court for removal.

### 12                                   **IV. TIMELINESS OF REMOVAL**

13           59. This Notice of Removal is being timely filed within thirty (30) days of  
14 February 11, 2011, the date on which Defendants received Plaintiff's responses to  
15 Defendants' Special Interrogatories in which Plaintiff first provided information  
16 revealing for the first time that the case was removable.

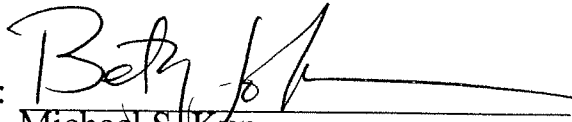
17           60. Removability under 29 U.S.C. § 1446(b) is determined through  
18 examination of the four corners of the applicable pleadings, not through subjective  
19 knowledge or a duty to make further inquiry. Thus, the first 30 day requirement is  
20 triggered by Defendants' receipt of an "initial pleading" that reveals a basis for  
21 removal. If no ground for removal is evident in that pleading, the case is not  
22 removable at that stage. In such case, "the notice of removal may be filed within  
23 thirty days after the Defendants receive 'an amended pleading, motion or other  
24 paper' from which it can be ascertained from the face of the document that removal  
25 is proper." Harris v. Bankers Life and Casualty Company, 425 F. 3d 689, 694 (9th  
26 Cir. 2005). Discovery responses may serve as papers within the meaning of  
27 section 1446(b) of informing Defendants that the case is no longer ambiguous and  
28 ///

1 is consequently removable. Eyak Native Vill. v. Exxon Corp., 25 F.3d 773, 779  
2 (9<sup>th</sup> Cir. 1994).

3 61. For all of the foregoing reasons, this Court has original jurisdiction  
4 under 28 U.S.C. §§ 1332 and 1441(b).

5 DATED: March 10, 2011

EPSTEIN BECKER & GREEN, P.C.

6  
7 By:   
8 Michael S. Kun  
9 Betsy Johnson  
10 Aaron F. Olsen  
11 Attorneys for Defendants  
12 AMERICAN MEDICAL RESPONSE,  
13 INC.; AMERICAN MEDICAL  
14 RESPONSE OF SOUTHERN  
15 CALIFORNIA; AMERICAN  
16 MEDICAL RESPONSE OF INLAND  
17 EMPIRE; and AMERICAN  
18 MEDICAL RESPONSE  
19 AMBULANCE SERVICE, INC.  
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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Mariana P. Pfaelzer and the assigned discovery Magistrate Judge is Jacqueline Chooljian.

The case number on all documents filed with the Court should read as follows:

**CV11- 2129 MRP (JCx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

The United States District Judge assigned to this case will review all filed discovery motions and thereafter, on a case-by-case or motion-by-motion basis, may refer discovery related motions to the Magistrate Judge for hearing and determination

=====

**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

☒ **Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

☐ **Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

☐ **Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.



UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETI (a) PLAINTIFFS (Check box if you are representing yourself ☐)

LAURA KARAPETIAN, on behalf of herself and all similarly situated Southern California dispatcher employees of American Medical Response of Southern California, American Medical Response, Inc., American Response of Inland Empire, and American Response Ambulance Services

## DEFENDANTS

American Medical Response, Inc.; American Medical Response Of Southern California; American Medical Response Of Inland Empire and American Medical Response Ambulance Service, Inc.

## (b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Karl Gerber, Esq. and Eric Palmer, Esq.  
EMPLOYMENT LAWYERS GROUP  
13418 Ventura Boulevard  
Sherman Oaks, California 91423  
Telephone: (818) 783-7300 / Facsimile: (818) 995-7159

## Attorneys (If Known)

Michael S. Kun (State Bar No. 208684)  
Betsy Johnson (State Bar No. 119847)  
EPSTEIN BECKER & GREEN, P.C.  
1925 Century Park East, Suite 500  
Los Angeles, California 90067-2506;  
Telephone: (310) 556-8861 / Facsimile: (310) 553-2165

## II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                      |
|---|---------------------------------------|----------------------------|---|----------------------------|--------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State     | <input type="checkbox"/> 4 | <input type="checkbox"/> |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> |

## IV. ORIGIN (Place an X in one box only.)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check 'Yes' only if demanded in complaint.)CLASS ACTION under F.R.C.P. 23: ☒ Yes ☐ No

MONEY DEMANDED IN COMPLAINT: \$

## VI. CAUSE OF ACTION (Cite the U. S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS PERSONAL INJURY	TORTS PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 22 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input checked="" type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW 405(g)
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee		<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 240 Torts to Land				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

FOR OFFICE USE ONLY: Case Number: CV11-02129

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA  
CIVIL COVER SHEETVIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): \_\_\_\_\_

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or  
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or  
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

- (a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.  
☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles, CA	Colorado, Delaware

- (b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.  
☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country

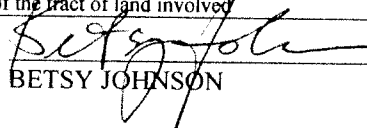
- (c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.  
**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

\* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

  
 BETSY JOHNSON

Date March 11, 2011

**Notice to Counsel/Parties:** The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3 -1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))